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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--|------------------|
| 10/007,966 | 11/07/2001 | Ignacio Sanz-Pastor | 22503-05565 | 3416 |
| 758 | 7590 | 06/19/2007 | EXAMINER | |
| FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041 | | | LASTRA, DANIEL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3622 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/007,966 | SANZ-PASTOR ET AL. | |
| | Examiner | Art Unit | |
| | DANIEL LASTRA | 3622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 April 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-64 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. Claims 1-64 have been examined. Application 10/007,966 (INTERACTIVE ADVERTISING WITH AN AUTOMATED VIEWING REWARD SYSTEM) has a filing date 11/07/2001 and Claims Priority from Provisional Application 60247473 (11/08/2000).

Response to Amendment

2. In response to Non Final Rejection filed 10/03/2006, the Applicant filed a Request for Reconsideration on 04/03/2007.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobs (US 2001/0044741).

Claim 1, Jacobs teaches:

A method for providing interactive advertising comprising:

providing programming to a user, wherein the programming includes content and advertisements (see paragraphs 19, 60);

permitting the user to select which of the advertisements are to be played (see paragraph 12; figure 5B; paragraph 76 "customize or modified the ads you see"; paragraph 125 "allows users to hide ads from view"; paragraph 160 "the user may delete ads or playlists (or both) from, for example, his/her computer on a random or periodic basis") ; and awarding value to the user according to which of the advertisements are played (see paragraphs 64, 161). In Jacobs, a user is awarded with free software based upon the advertisements played by said user.

Claim 2, Jacobs teaches:

The method of claim 1 wherein providing programming to a user comprises: providing the programming in response to a request from the user for the content contained in the programming (see paragraph 161).

Claim 3, Jacobs teaches:

The method of claim 1 wherein providing programming to a user comprises: distributing a physical medium to the user, the physical medium containing the content (see paragraph 32 "CD-ROM").

Claim 4, Jacobs teaches:

The method of claim 1 wherein providing programming to a user comprises: transmitting the content to the user via a computer network (see paragraph 32 "transmitting information over a communication network such as the Internet").

Claim 5, Jacobs teaches:

The method of claim 4 wherein providing programming to a user comprises: combining the content and the advertisements into a single programming stream and transmitting the single programming stream to the user via a computer network (see paragraph 60).

Claim 6, Jacobs teaches:

The method of claim 4 wherein providing programming to a user comprises: combining the content and the advertisements into a single programming stream; and transmitting the single programming stream to a game console via a computer network (see paragraph 32 "video games consoles").

Claim 7, Jacobs teaches:

The method of claim 1 wherein providing programming to a user comprises: providing the content to the user via a first type of infrastructure and providing the advertisements to the user via a different type of infrastructure (see paragraph 25).

Claim 8, Jacobs teaches:

The method of claim 1 wherein:

providing programming to a user comprises:

combining the content and the advertisements into a single programming stream, the single programming stream including blocks of content separated by blocks of advertisements (see paragraph 25), and

providing the single programming stream to the user (see paragraph 60);

each block of advertisements being associated with a monetary amount and the value awarded to the user including the monetary amounts associated with the blocks of advertisements that are played (see paragraphs 160-161).

Claim 9, Jacobs teaches:

The method of claim 1 wherein:

advertisements are associated with credit amounts usable against fees paid by the user for the content (see paragraphs 64-65); and

the value awarded to the user includes the credit amounts associated with the advertisements that are played (see paragraph 161).

Claim 10, Jacobs teaches:

The method of claim 1 wherein permitting the user to select which of the advertisements are to be played comprises:

permitting the user to indicate a desire to skip an advertisement, wherein advertisements (see figure 5B; paragraph 76 “customize or modified the ads you see”; paragraph 125 “allows users to hide ads from view”; paragraph 160 “the user may deletes ads or playlists (or both) from, for example, his/her computer on a random or periodic basis”)

are played unless the user indicates a desire to skip the advertisement (see paragraph 76).

Claim 11, Jacobs teaches:

The method of claim 1 wherein permitting the user to select which of the advertisements are to be played comprises:

permitting the user to indicate a desire to play an advertisement, wherein the advertisements are skipped unless the user indicates a desire to play the advertisement (see figure 5B; paragraph 76 "customize or modified the ads you see"; paragraph 125 "allows users to hide ads from view"; paragraph 160 "the user may deletes ads or playlists (or both) from, for example, his/her computer on a random or periodic basis").

Claim 12, Jacobs teaches:

The method of claim 1 wherein permitting the user to select which of the advertisements are to be played comprises:

permitting the user to define criteria for selecting which of the advertisements are to be played, wherein an advertisement is played or skipped according to the defined criteria (see paragraph 12; figure 5B; paragraph 76 "customize or modified the ads you see"; paragraph 125 "allows users to hide ads from view"; paragraph 160 "the user may deletes ads or play lists (or both) from, for example, his/her computer on a random or periodic basis").

Claim 13, Jacobs teaches:

The method of claim 1 wherein the value awarded to the user depends on the manner in which the advertisements are played (see paragraphs 160-161).

Claim 14, Jacobs teaches:

The method of claim 13 wherein the value awarded to the user depends on a time of day when the advertisement is played (see paragraph 139).

Claim 15, Jacobs teaches:

The method of claim 13 wherein the value awarded to the user depends on how much of the advertisement is played (see paragraph 139).

Claim 16, Jacobs teaches:

The method of claim 1 further comprising: limiting the value awarded to the user (see paragraph 161).

Claim 17, Jacobs teaches:

The method of claim 1 further comprising:

collecting statistics on which advertisements are selected by the user (see paragraph 147).

Claim 18, Jacobs teaches:

The method of claim 17 further comprising:

targeting the advertisements provided to the user based on the statistics collected for the user (see paragraph 130-131; 142).

Claim 19, Jacobs teaches:

The method of claim 17 further comprising:

clustering the user into a group of users according to the statistics collected for the user and targeting the advertisements provided to the user based on the group into which the user is clustered (see paragraph 171).

Claim 20, Jacobs teaches:

The method of claim 17 further comprising:

clustering the user into a demographic group according to the statistics collected for the user (see paragraph 171) and targeting the advertisements provided to the user based on the demographic group into which the user is clustered (see paragraph 171).

Claim 21, Jacobs teaches:

The method of claim 17 wherein the value awarded to the user depends on a relationship between the advertisements played and the statistics collected (see paragraph 65, 130-131 "playlist request information").

Claims 22-36 and 37-49 are written as system claims but contain the same limitation as claims 1-21, therefore, the same rejection is applied.

Claims 50-64 are written as method claims but contain the same limitation as claims 1-21, therefore, the same rejection is applied.

Response to Arguments

4. Applicant's arguments filed 04/03/07 have been fully considered but they are not persuasive. The Applicant argues that Jacobs does not disclose "awarding value to the user according to which of the advertisements are played". The Examiner answers that in Jacobs, a user is awarded with free software based upon the advertisements played by said user (see paragraphs 64-65). Applicant's limitation is so broad that Jacobs reads said limitation.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3622

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

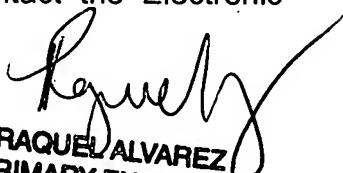
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Lastra

June 6, 2007


RAQUEL ALVAREZ
PRIMARY EXAMINER